IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Appeal No.831 of 1998
In
Writ Petition no.2845 of 1988

Municipal Corporation of Greater Bombay and Ors. .. .. Appellants (Org.Respondents)

Vs.

Caprihans India Ltd. & Anr. .. Respondents (Org.Petitioners)

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Shri A.J.Bhor i/b Smt.A.H.Chedda and Shri H.V.Tendolkar for the Appellants.

Shri S.A.Divan i/b Gagrat & Co. for the Respondents.

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CORAM : R.M.S.KHANDEPARKAR &
DR.D.Y.CHANDRACHUD, JJ

DATED : 8TH FEBRUARY, 2007

P.C.

1. The learned advocates for the parties have fairly stated that the matter in dispute is fully covered by the decision of the Apex Court in **The Municipal Corporation for the City of Thane & Others v. Asmaco Plastic Industries & Ors.,** in Civil Appeal No.3491 of 1992 delivered on 17th July, 1998 as also by the decision of a Division Bench of this Court in **Municipal Corporation of Greater Mumbai & Anr. v. Prince Plastics,** in Appeal No.832 of 1998 in Writ

Petition No.774 of 1993 delivered on 18th June, 2004 and consequently the impugned order is likely to be set aside and that Writ Petition No. 2845 of 1988 needs to be dismissed. Indeed, the learned Single Judge has allowed the writ petition on the basis of the earlier decision in Writ Petition No.1146 of 1988 delivered on 19th August, 1992. However, in view of the fact that the law has been settled by the decision of the Apex Court in Civil Appeal No.3491 of 1992, the impugned judgment and order is liable to be set aside and the said writ petition is liable to be dismissed.

2. Accordingly, the appeal is allowed. The impugned judgment and order is hereby set aside and Writ Petition No.2845 of 1988 stands dismissed. Rule therein stands discharged.

3. Order accordingly. No order as to costs.

(R.M.S.KHANDEPARKAR, J)

(DR.D.Y.CHANDRACHUD, J)